

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1537 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT

Versus

HIRJI BECHAR PATEL

Appearance:

MRS VASAVDATTA BHATT for Petitioner
MR SURESH M SHAH for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE J.R.VORA

Date of decision: 04/04/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

Heard learned advocate Ms. Vasavadatta Bhatt for the appellant and learned advocate Shri Mehul Shah, on caveat, for the respondent. By this appeal, the validity of award dated 11.10.2000 passed in M.A.C.P. No. 765/93 by the M.A.C.T. (Main) Bhuj, Kutch, has been challenged.

2. The facts giving rise to the present appeal, in a nutshell, are as under :

3. The appellant-Corporation is the owner of a vehicle, which was involved in the accident. On 25.9.1993, when the respondent claimant was passing through S.T. Bus Depot at Rapar, the vehicle in question had knocked down the respondent claimant and as a result of the accident, the respondent was severely injured. In the circumstances, MACP No. 765/93 was filed by the respondent claiming a sum of Rs. 2 lacs by way of compensation. After hearing the concerned advocates and upon perusal of the evidence, the Tribunal awarded a sum of Rs. 1,55,000/- as compensation along with interest 12% from the date of the application till the date of deposit of the amount with the Tribunal. Being aggrieved by the said award, the appellant, owner of the vehicle, has approached this court.

4. Learned advocate Ms. Bhatt has submitted that the amount awarded by the Tribunal is on much higher side for the reason that, though the respondent was 22 years old, multiplier of 18 was taken into account while calculating the amount of compensation. She has also submitted that for shock and suffering a sum of Rs. 15,000/- has been awarded and that amount is also on the higher side. She has submitted that the Tribunal had become very lenient while awarding the amount of compensation.

5. On the other hand, learned advocate Shri Mehul Shah appearing on caveat has submitted that the amount, which has been awarded by the Tribunal, is absolutely reasonable. He has submitted that the claimant was working as a salesman and was earning Rs. 2400/- per month. Salary certificate (Ex. 38) established the fact that income of the claimant was Rs. 2,400/- p.m. It has been submitted by him that the claimant was very young at the relevant time as he was hardly 22 years old. He could have surely earned more amount because even at the age of 22 years, he was earning approx. Rs. 2400 per month. The Tribunal has committed a grave error by not considering the future prospects of the claimant. According to him, the Tribunal ought to have awarded

compensation on the basis that the claimant would have earned Rs. Rs. 3000-4000 after some time and in that event, for the purpose of considering the compensation, monthly income of the claimant could have been considered on the higher side, though he has fairly submitted that multiplier of 18 could be treated to be slightly on higher side. But looking to the fact that the Tribunal did not consider future prospects of the claimant, in fact, less amount has been awarded, though multiplier of 18 was taken into account by the Tribunal while computing the compensation. It is not in dispute that 20% permanent disability has been assessed as per the disability certificate (ex. 46). There is 40% permanent physical disability of left lower limb, which would be 20% permanent disability so far as the entire body is concerned. It is pertinent to note that the claimant is a young man working as a salesman and he has suffered permanent disability of his left lower limb.

6. After hearing the learned advocates and upon perusal of the relevant record, which was placed on record by the learned advocates, we are of the view that the amount, which has been awarded by the Tribunal, is quite reasonable. Though multiplier of 18 might be a little more, as stated hereinabove, as the Tribunal has not considered the future prospects of the claimant, the ultimate amount which has been awarded appears to be quite reasonable.

7. Looking to the facts of the case, we are of the view that this Court should not interfere with the findings of the tribunal and, therefore, this appeal is dismissed with no order as to costs.

(A.R. Dave, J.)

(J.R. Vora, J.)

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